

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AUG 15 2006

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

HECTOR R. SILVA and)
ROSA E. RINCON)

CR. NO. 2:06CR200-WHA
[8 USC 1325(a);
21 USC 841(a)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about July 13, 2006, in Montgomery County, within the Middle District of Alabama, and elsewhere,

HECTOR R. SILVA, and
ROSA E. RINCON

defendants herein, did knowingly and intentionally possess and possess with intent to distribute approximately 10 kilograms of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about July 13, 2006, in Montgomery County, within the Middle District of Alabama, and elsewhere, the defendant herein,

ROSA E. RINCON,

being an alien, did enter the United States at a time and place other than as designated by immigration officers, and eluded examination and inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a).

FORFEITURE ALLEGATION

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 1 of this indictment, the defendants,

HECTOR SILVA and
ROSA E. RINCON,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendant obtained, directly or indirectly, as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1 of this indictment, including but not limited to the following:

**One 1999 Ford F-150 Pickup Truck,
VIN: 1FTRX18L5XKA74813 seized July 13, 2006.**


C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or,


(5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

All in violation of Title 21, United States Code, Section 841.

A TRUE BILL:


Foreperson


LEURA G. CANARY
United States Attorney


John T. Harmon
Assistant United States Attorney


Terry F. Moorer
Assistant United States Attorney